

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Thomas M. Wilson, Esq.
Sabin Bermant & Gould LLP
Four Times Square
New York, NY 10036

Re: Bright House Networks, LLC
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. 0909289084603008

Dear Mr. Wilson:

This letter is in response to your request dated October 27, 2009, on behalf of Bright House Networks, LLC ("BHN") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that BHN's FY 2009 regulatory fees were not paid when due (*i.e.*, September 22, 2009), thus BHN was assessed a late payment penalty of \$64,184.50. For the reasons below, we deny your request for waiver.

In support of your request, you state that "the late payment was not intentional or knowing, but the result of an administrative oversight" and "[g]iven BHN's payment history, the fact that payment was immediately remitted once the error was discovered, and the its lateness was related to the FCC's new procedures, we respectfully ask that you waive the 25% penalty in full or, in the alternative, grant a substantial reduction in the penalty."¹

Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.² The Commission's rules provide that a timely payment of a regulatory fee is one received at the Commission's lockbox bank by the due date, which for FY 2009 was September 22, 2009.³ The Commission, however, did not receive BHN's FY 2009 regulatory fees until September 25, 2009.

We find therefore that BHN failed to meet its obligation to timely pay its FY 2009 regulatory fees and that the *Waiver Request* presents no extraordinary circumstances that would warrant waiver of the late payment penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against BHN for late payment of its FY 2009 regulatory fees.

¹ *Waiver Request*.

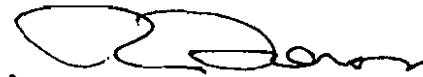
² See 47 U.S.C. § 159(c)(1) ("The Commission shall prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner").

³ 47 C.F.R. § 1.1164.

Thomas M. Wilson, Esq.
Sabin Bermant & Gould LLP
Page 2

Payment of the \$64,184.50 penalty is now due. The payment should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", with a stylized flourish at the end.

Mark Stephens
Chief Financial Officer

Enclosure

Sherry Elkheshin

From: Stephen French
Sent: Tuesday, October 27, 2009 1:12 PM
To: Sherry Elkheshin
Subject: FW: Bright House Networks / Request For Waiver
Attachments: DOCUMENTS-#239790-v1-FCC_Bill.PDF

Stephen M. French
Protiviti Government Services
OMD-Financial Operations
Office: 2-A629
Direct Line: 202-418-1878
Fax: 202-418-7869

From: Wilson, Thomas M. [mailto:twilson@sbandg.com]
Sent: Tuesday, October 27, 2009 1:00 PM
To: ARINQUIRIES
Subject: FW: Bright House Networks / Request For Waiver

Dear Customer Service Staff,

Please be advised that Bright House Networks has asked the FCC to review and waive a fine due November 8 (see attached and below). In speaking with the FCC's James Lyons, he suggested I notify you of this point, so that Bright House Networks would not be placed on Red Light status for non-payment of the attached bill pending the outcome of the request.

If you can, please confirm that Bright House Networks does not need to make payment before a determination has been made by the FCC. If you are unable to do this, please let me know what steps Bright House should take in this situation.

Thanks in advance for any assistance you can offer.

Tom

Thomas M. Wilson, Esq.
Sabin Bermant & Gould LLP
Four Times Square
New York, NY 10036
phone: 212-381-7110
fax: 212-381-7218

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From: Wilson, Thomas M.
Sent: Tuesday, October 27, 2009 11:51 AM
To: 'Regina Dorsey'
Subject: Bright House Networks / Request For Waiver

10/27/2009

0409289084603008

12237

Dear Ms. Dorsey,

I am writing to you about a bill Bright House Networks recently received from the FCC assessing a penalty of \$64,184.50 for the late payment of its 2009 ITSP regulatory fee (see attached). In speaking with Mr. Lyons, it is my understanding that as the Deputy Chief Financial Officer you have the authority and discretion to waive this penalty. On behalf of BHN, please accept this email as a request for leniency and a waiver of the fine.

First, let me thank you for your assistance earlier this month in removing BHN from its Red light status. You may recall that BHN was placed on Red Light status for the non-payment of 9 CARS and Earth station licenses. BHN had timely remitted payment for these licenses, but the system did not recognize this fact. Your efforts were greatly appreciated and enabled BHN to continue with other important filings.

In the process of resolving that issue, however, it was discovered that BHN failed to timely remit payment of its 2009 ITSP regulatory fee. Payment was due September 22, but not received by the FCC until September 25 --- 3 days late.

Internally, BHN's telecom regulatory fee is paid by a different group than is the cable regulatory fee. And, as you know, hard copies of the ITSP bill are no longer mailed by the FCC. In the past, this function served as the trigger for this group to remit payment and with last year's payment due October 1, this was their point of reference. Unfortunately, it was not until after September 22 that they realized the process had changed. Once discovered, BHN remitted payment immediately. In short, the late payment was not intentional or knowing, but the result of an administrative oversight.

Until now, BHN has never (to the best of our knowledge) been late with any of its annual regulatory fees. Given BHN's payment history, the fact that payment was immediately remitted once the error was discovered, and that its lateness was related to the FCC's new procedures, we respectfully ask that you waive the 25% penalty in full or, in the alternative, grant a substantial reduction in the penalty.

Finally, you should know that management is reviewing its internal procedures and controls to make sure this does not occur in the future.

Thank you for your time and consideration in this matter.

Sincerely,

Tom

Thomas M. Wilson, Esq.
Sabin Bermant & Gould LLP
Four Times Square
New York, NY 10036
phone: 212-381-7110
fax: 212-381-7218

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10/27/2009

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
MAY 14 2010

OFFICE OF
MANAGING DIRECTOR

Scott C. Cinnamon, Esq.
Law Offices of Scott C. Cinnamon, PLLC
1250 Connecticut Ave., N.W.
Suite 220, #144
Washington, D.C. 20036

Re: Station K282AE
California Sierra Corporation
Fiscal Year 2009 Regulatory Fee
Fee Control No. RROG-09-00012691

Dear Mr. Cinnamon:

This is in response to your request dated February 19, 2010 (*Request*), on behalf of California Sierra Corporation (CSC), licensee of Station K282AE, for waiver of the penalty for late payment of fiscal year (FY) 2009 regulatory fee. Our records reflect that you have not paid the \$400.00 FY 2009 regulatory fee or the \$100.00 late payment penalty. For the reasons set forth below, we deny your request.

You assert that the regulatory fee was not paid because the bill was erroneously sent to CSC's address in Los Angeles and not to CSC's address in Oakhurst, California.¹ You state that with the exception of Station K282AE, all of CSC's "media holdings are associated with FRN 00-5366-14, which has the Los Angeles address[.]"² You request that the FCC associate Station K282AE with the correct FRN (*i.e.*, FRN 0001-5366-14).³

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.⁴ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁵ CSC did not pay the FY 2009 regulatory fee by the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation.

¹ *Request* at 1 (*citing* Letter from FCC to California Sierra Corporation (Dec. 8, 2009) ("[T]his letter is a final demand for payment in reference to a bill [*Bill for Collection*] that was issued by the FCC that remains unpaid." (*December 2009 Letter*))

² *Id.*

³ *Id.*

⁴ 47 U.S.C. §159(c)(1).

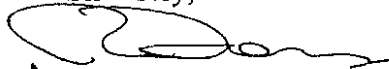
⁵ See 47 C.F.R. §1.1164, and see *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September 2009 Public Notice*),

The Commission takes care to inform its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁶ The *Bill for Collection* referenced in the *December 2009 Letter* did not establish or otherwise extend the deadline for filing FY 2009 regulatory fees. Rather, the *Bill for Collection* advised CSC that it had failed to pay the FY 2009 regulatory fee by the due date and identified the regulatory fee and the late payment penalty.

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁷ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fee for CSC.

Payment of the \$400.00 regulatory fee and the associated \$100.00 penalty, for a total of \$500.00, is now due. The penalty should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure

Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET), 24 FCC Rcd 10890, 10890 (Aug. 21, 2009), and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

⁶ *Id.*

⁷ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Sherry Elkheshin

From: ARINQUIRIES
Sent: Friday, February 19, 2010 5:53 PM
To: Sherry Elkheshin
Subject: FW: bill no. 10RE001683
Attachments: K282AE bill for 2009 reg fees p2.jpg; K282AE bill for 2009 reg fees p1.jpg

12691

RROG-09-00012691

Stephen M. French
 Protiviti Government Services
 OMD-Financial Operations
 Office: 2-A629
 Direct Line: 202-418-1878
 Fax: 202-418-7869

From: Scott Cinnamon [mailto:scott@cinnamonlaw.com]
Sent: Friday, February 19, 2010 4:35 PM
To: ARINQUIRIES
Subject: bill no. 10RE001683

Dear Sir/Madam:

As a follow up to our telephone discussion today, please find the bill that was sent to California Sierra Corporation concerning Station K282AE. The FRN associated with this bill is 0014-4315-48, which indeed belongs to California Sierra, but the address is in Oakhurst, California.

The reason the bill was never paid is because the rest of California Sierra Corporation's media holdings are associated with FRN 0001-5366-14, which has the Los Angeles address 1200 W. Venice Blvd.

My client would like the FCC to associate Station K282AE with the correct FRN (0001-5366-14) and forgive the late fee because it did not receive notice of the fee due for this station until after the filing deadline when it received the attached notice.

Please respond with a tracking number for this matter so I can relay to my client.

Thanks in advance for your help.

Regards,

Scott

 Scott C. Cinnamon
 Law Offices of Scott C. Cinnamon, PLLC
Scott@Cinnamonlaw.com
 202-216-5798 (phone)/ 202-379-9754 (fax)
 1250 Connecticut Ave., NW, Suite 200, # 144
 Washington, D.C. 20036

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2/23/2010

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

John E. Benedict, Director
Federal Regulatory Affairs
Century Link
701 Pennsylvania Avenue, NW, Suite 820
Washington, D.C. 20004

Re: CenturyTel Long Distance, Inc.
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012287

Dear Mr. Benedict:

This letter is in response to your request dated October 30, 2009, on behalf of CenturyTel Long Distance, Inc. ("CenturyTel") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that CenturyTel's payment for FY 2009 regulatory fees was not paid when due (*i.e.*, September 22, 2009), thus CenturyTel was assessed a late payment penalty of \$100,448,75. For the reasons below, we deny your request for waiver.

In support of your request, you state that CenturyTel's "FY 2009 Regulatory Fees inadvertently were submitted one week late" but nonetheless "made prompt payment of FY 2009 regulatory fees by the Commission's fiscal year end."¹ You also state that because the "Commission changed its policy only on July 31, 2009 – just seven weeks before the FY 2009 payment due date" "[s]uch short notice allowed the company little time to change its processing and, inevitably, made such inadvertent errors more likely."² You further state that waiver of the penalty is warranted because the late payment "was strictly an innocent and inadvertent procedural error" and the amount of the penalty "is plainly excessive and unreasonable for an innocent error (1) brought about by a very recent change in Commission invoicing policy, (2) promptly remedied by the company, and (3) involving a company that has been consistently timely in submitting its regulatory fees."³

While the Commission takes care to inform licensees of due dates, amounts of the fees, and payment methods in public notices and fact sheets, the Commission has repeatedly and consistently held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."⁴ Thus, it is the obligation of licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.

¹ *Waiver Request*.

² *Id.*

³ *Id.*

⁴ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

John E. Benedict, Director
CenturyLink
Page 2

Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.⁵ The Commission's rules provide that a timely payment of a regulatory fee is one received at the Commission's lockbox bank by the due date, which for FY 2009 was September 22, 2009.⁶ The Commission, however, received CenturyTel's FY 2009 regulatory fees after September 22, 2009.

We find therefore that CenturyTel failed to meet its obligation to timely pay its FY 2009 regulatory fees and that the *Waiver Request* presents no extraordinary circumstances that would warrant waiver of the late payment penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against CenturyTel for late payment of its FY 2009 regulatory fees.

Payment of the \$100,448.75 penalty is now due. The payment should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



✂ Mark Stephens
Chief Financial Officer

Enclosure

⁵ See 47 U.S.C. § 159(c)(1) ("The Commission shall prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner").

⁶ 47 C.F.R. § 1.1164.

090930908476502



CenturyLink

October 30, 2009

John E. Benedict
Director
Federal Regulatory Affairs
701 Pennsylvania Ave., NW
Suite 820
Washington, DC 20004

By Electronic Mail and First Class Mail

Steven VanRoekel, Managing Director
c/o ar inquiries@fcc.gov
Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Voice: (202) 393-1516
Fax: (913) 397-3836
john.e.benedict@centurylink.com

Attn: Regulatory Fee Waiver Request
CenturyTel Long Distance, Inc. (FRN 0003749520)

Dear Mr. VanRoekel:

CenturyTel Long Distance respectfully requests a waiver of the 25% penalty recently invoiced to the company after its FY 2009 Regulatory Fees inadvertently were submitted one week late. The penalty invoiced is \$100,448.75. Waiver is appropriate and in the public interest because of the special circumstances here.

First, this is the first year that the Commission has mandated electronic payment. CenturyTel Long Distance, like many carriers, historically has been geared to processing hardcopy invoices. The Commission changed its policy only on July 31, 2009 -- just seven weeks before the FY 2009 payment due date. Such short notice allowed the company little time to change its processing and, inevitably, made such inadvertent errors more likely.

Second, as soon as CenturyTel Long Distance learned that its 2009 regulatory fee payment was overdue, it immediately contacted the Commission and promptly submitted its payment. The Commission received the FY 2009 Regulatory Fee payment from CenturyTel Long Distance on September 30, just 6 business days after the original due date and before the close of the Commission's fiscal year.

Third, CenturyTel Long Distance's late payment clearly was not intentional, nor done for any financial gain. It was strictly an innocent and inadvertent procedural error. To its knowledge, the company has never before been late in submitting its annual regulatory fee, and it is highly unlikely to repeat this one-time error. The company's history of timely payment confirms that the root cause of the inadvertent delay was the new procedures instituted by the Commission just weeks before the 2009 payment date.

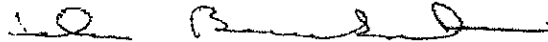
Fourth, a penalty of \$100,448.75 is plainly excessive and unreasonable for an innocent error (1) brought about by a very recent change in Commission invoicing policy, (2) promptly remedied by the company, and (3) involving a company that has been consistently timely in submitting its regulatory fees.

Office of the Managing Director
October 30, 2009
Page 2

Fifth, given that this year is the first under the Commission's new online procedures, it would be reasonable and in the public interest for the Commission to exercise leniency, or allow a reasonable grace period, particularly for companies that made prompt payment of FY 2009 regulatory fees by the Commission's fiscal year end.

CenturyTel Long Distance appreciates the Commission's consideration of this waiver request.

Sincerely,



John E. Benedict

attachment

cc: By Electronic Mail

Roland Helvajian, OMD
roland.helvajian@fcc.gov

Donnie Aultman, CenturyTel Long Distance

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

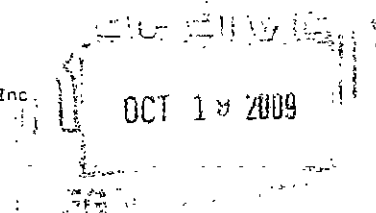
Approved by OMB
3060-0589

Bill Number	Applicant FRN#	Current Bill Date	FOR INQUIRIES CALL 1-202-418-1995 (Revenue & Receivable Operations Group)		
1020M00003	0003749520	10/14/09			

Application Information:

CenturyTel Long Distance, Inc.
PO Box: 9901

Vancouver, WA 98668



Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Revenue & Receivables Operations Group
P.O. BOX 979088
ST. LOUIS, MO 63197-9000

Total Amount Due	TOTAL AMOUNT DUE MUST BE RECEIVED BY	Due Date
\$100,448.75		11/15/09

Payer FRN No. Please Complete The Payer Information, FCC Registration Number (FRN) is required

0003749520

Payer Name (if paying by credit card enter name as it appears on the card)

Address Line No. 1

Address Line No. 2

City State Zip Code

Daytime Phone Number (include area code)

Reason For Bill:

25% Penalty - FY 2009 Regulatory Fees

Call Sign/Other FCC ID	Payment Type Code	Quantity	Fee Due For (PTC)	Total Fee	FCC Code 1	FCC Code 2
	0 9 9 9	0		\$ 100,448.75		

TOTAL DUE	\$100,448.75
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Please choose a method of Payment and complete the section if paying by Credit Card

Payment Method:

Credit Card ☐
 Check ☐
 Wire ☐
 IPAC ☐
 MIPR ☐

MASTERCARD ☐
 DISCOVER ☐
 VISA ☐
 AMEX ☐

Account No. Expiration Date

	Month	Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE DATE

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO ENSURE PROPER CREDIT

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Marlene E. Shoemaker
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., N.W., Suite 200
Washington, D.C. 20006

Re: Charter Communications
Refund of Application Fee
Fee Control No. 0912169089812001

Dear Ms. Shoemaker:

This is in response to your request filed January 19, 2010 (*Request*), on behalf of Charter Communications (Charter) for refund of the fee submitted in connection with an application for reconsideration of a rate regulation certification filed under sections 1.106 and 76.911(a)(1) of the Commission's rules, 47 C.F.R. §1.106 and 76.911(a)(1) (*Petition*). Our records reflect that Charter paid a \$1,310.00 application fee. For the reasons stated herein, we grant your request.

You state that Charter filed the *Petition*, along with a \$1,310.00 application fee, on November 12, 2009.¹ You say that Charter was later advised by Commission staff that an application fee was not required.²

Petitions for reconsideration filed under section 1.106 of the rules, including Charter's *Petition*, do not require application filing fees. We therefore find that a refund of the application fee is appropriate and grant your request.³

A check, made payable to the maker of the original check, and drawn in the amount of \$1,310.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

¹ *Request* at 1.

² *Id.*

³ See 47 C.F.R. §§1.1104(9) and 1.1115(a)(1).



MARLENE E. SHOEMAKER
DIRECT (202) 973-43738
marleneshoemaker@dwt.com

09/21/69089812001

January 19, 2010

VIA COURIER

Mr. Steven VanRoekel
Federal Communications Commission
Office of the Managing Director
Revenue and Receivables Operations
445 12th Street S.W.
Room 1A-821
Washington, DC 20554

FILED/ACCEPTED

JAN 19 2010

Federal Communications Commission
Office of the Secretary
Bruce A

**Re: Refund of FCC Filing Fee for Effective Competition Petition
Charter Communications
CSR-8242-E**

Dear Mr. VanRoekel:

This firm represents Charter Communications ("Charter"). On Charter's behalf, we hereby request a prompt refund of a payment of an FCC filing fee in the amount of \$1,310.00. This letter briefly reviews the background supporting this refund request.

On November 12, 2009, Charter filed a Petition for Reconsideration requesting a Determination of Effective Competition in New Hanover, NC accompanied by FCC Form 159 and payment of the filing fee via credit card in the amount of \$1,310.00, a copy of which is attached for your reference.

During a telephone conversation, Mr. Steve Garner of the Federal Communications Commission's Media Bureau informed Fred Giroux of this firm that a filing fee was not necessary in this matter. Accordingly, Comcast hereby requests reimbursement of the \$1,310.00, paid on November 12, 2009. Your prompt attention to this matter would be much appreciated.

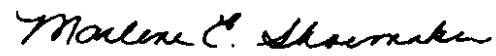
I would appreciate your assistance in resolving this matters.

January 19, 2010

Page 2

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Marlene E. Shoemaker".

Marlene E. Shoemaker
Paralegal

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Courtenay Schroeder
CloseCall America, Inc.
101 Log Canoe Circle
Stevensville, MD 21666

Re: CloseCall America, Inc.
Fiscal Year 2009 Regulatory Fee
Fee Control No. 0911109088142006

Dear Ms. Schroeder:

This is in response to your request dated November 4, 2009 (*Request*), filed on behalf of CloseCall America, Inc. (CCA) for waiver of the penalty for late payment of the fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$8,126.00 FY 2009 regulatory fee and the \$2,031.50 late payment penalty. For the reasons set forth below, we deny your request.

You state that CCA did not receive the regulatory fee assessment for FY 2009 until October 20, 2009, which was after the regulatory fees were due.¹ You assert that CCA has always paid its regulatory fees in a timely manner.²

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.³ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁴ CCA paid the regulatory fee on November 11, 2009, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation.

¹ *Request* at 1.

² *Id.*

³ 47 U.S.C. §159(c)(1).

⁴ See 47 C.F.R. §1.1164, and see *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September 2009 Public Notice*), *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009), and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

The Commission informs its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁵

Further, the Commission determined in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10308-10309 (2009), that it would no longer mail pre-bills via surface mail to licensees such as CCA. That decision, which was adopted on July 28, 2009, and released on July 31, 2009, adopted without change a proposal announced by the Commission in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Notice of Proposed Rulemaking*, 24 FCC Rcd 5966, 5972-73 (2009), which was released on May 14, 2009. The Commission adopted the modifications to the notifications procedures at issue here almost two months before the due date for filing the FY 2009 regulatory fees, and proposed those modifications over four months before the due date.

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁶ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fee for the CCA.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁵ *Id.*

⁶ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

12332
09 1110908814 2006
CloseCall
America

101 Log Canoe Circle
Stevensville, MD 21666
Tel. 410.604.0405
Fax 410.604.0031

Federal Communications Commission
Office of the Managing Director
445 12th Street, SW, 1-A625
Washington, D.C. 20554
Attn: Regulatory Fee Waiver/Reduction Request

November 4, 2009

RE: 2009 Regulatory Fee, 09RE012737, CloseCall America, Inc. - 821270

To Whom It May Concern:

This is in regards to the FY2009 Regulatory Fees assessment.

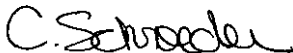
CloseCall America received the Regulatory Fees assessment on October 20, 2009. I contacted the number listed for inquiries on the statement regarding the due date showing September 22, 2009 and a charge of \$2,031.50. I did not receive a return phone call, but was able to speak to Sherry Elkheshin on November 2, 2009. She informed me that the additional charge was a late fee. I explained that we only received the notice in October. She emailed me the "Regulatory Fees Fact Sheet" to dispute the charges.

We respectfully request that you reconsider the late fee charge, since our Regulatory Fee has always been paid in a timely manner and we did not receive the statement until after the due date had past.

Enclosed is a copy of the statement and the envelope we received the statement in, postmarked October 14. The full amount of \$10,157.50 has been paid.

If you have any questions or concerns, please feel free to contact me directly at the information below.

Best Regards,



Courtenay Schroeder
CloseCall America, Inc.
cschroeder@closecall.com
410 819-8082-Direct
410 604-0031-Fax

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

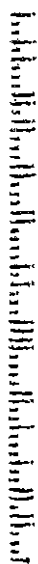
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



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01/14/2009
US POSTAGE

21655432105 P008



**Red Light Display System**[FCC](#) > [Fees](#) > Red Light Display SystemLogged In as: (0019125376) [[Log Out](#)][Admin](#) | [Print](#) | [Help](#)

11/18/2009 5:13 PM

Current Status of FRN 0005036892**STATUS: Green****You have no delinquent bills which would restrict you from doing business with the FCC.**

The Red Light Display System checks all FRNs associated with the same Taxpayer Identification Number (TIN). A green light means that there are no outstanding delinquent non-tax debts owed to the Commission by any FRN associated with the requestor's TIN.

The Red Light Display System was last updated on 11/18/2009 at 8:55 AM; it is updated twice each business day at about 9 a.m. and 7 p.m., ET.

Customer Service[Red Light Help](#)[FCC Debt Collection](#)[FCC Fees](#)[Web Policies / Privacy Policy](#)**Red Light Display System Help Line: (877) 480-3201, option 4, 4; TTY (202) 414-1255 (Mon.-Fri. 8 a.m.-6:00 p.m. ET)**

Red Light Display System has a dedicated staff of customer service representatives standing by to answer your questions or concerns. You can email us at inquiries@fcc.gov or fax us at (202) 418-7869.



Add/Modify Billing Information

Document Number 09RE012737

FRN 0005036892 CloseCall America, Inc.

Bill Date 08/18/09 Bill Amount \$10,157.50

Bill Type REG9 Bill Paid \$10,157.50

Bill Due Date 09/22/09 Lockbox 979084 Bill Balance Due \$0.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00300588 Waiver Date Admin Chg Due \$0.00

Transaction Date 12/14/09 Acct Period 03 Total Due \$0.00

Bill Description FY 2009 Regulatory Fees

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2009 REG9 90 9500 065 0199

Product No. 0972 Quantity 2376000 Item Amount \$8,126.00

Document Status P Call Sign 821270 Item Paid \$8,126.00

Transaction Code Item Balance Due \$0.00

Reference Type Reference No. 0911109088142006 Line 000

Bureau File No. FCC Code 1 2879000

Item Description

Fy Days 360 Rate 5.00 FCC Code 2 503000

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

12/14/2009 ARIPNL2

Payment in the amount of \$ 8,126.00
was Pd 11/10/09 for Fy 09 Reg fee
\$21031.50 was Pd for Fy 09
Reg Fee late Payment
AJ
12/14/09

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

Approved by OMB
3050-0589

Bill Number	Applicant FRN#	Current Bill Date	FOR INQUIRIES CALL 1-202-418-1995 (Revenue & Receivable Operations Group)
09AE012737	0005036892	10/14/09	

Application Information:

CleasCall America, Inc.
101 Log Canoe Circle
Stevensville, MD 21666

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Revenue & Receivables Operations Group
P.O. BOX 979084
ST. LOUIS, MO 63197-9000

Total Amount Due	TOTAL AMOUNT DUE MUST BE RECEIVED BY	Due Date
\$10,157.50		9/22/09

Payer FRN No.

Please Complete The Payer Information. FCC Registration Number (FRN) is required

Payer Name (if paying by credit card enter name as it appears on the card)

Address Line No. 1

Address Line No. 2

City

State

Zip Code

Daytime Phone Number (include area code)

Reason For Bill:

FY 2009 Regulatory Fees

Cell Signaling FCC ID	Payment Type Code				Quantity	Fee Due For (PIC)	Total Fee	FCC Code 1	FCC Code 2
821270	0	9	7	2	2975000	.00342	\$ 3,125.00	2879000	503000
	0	9	9	9	0		\$ 2,031.50		

TOTAL DUE \$10,157.50

Please choose a method of Payment and complete the section if paying by Credit Card

Payment Method:

Credit Card ☐ Check ☐ Wire ☐ IPAC ☐ MIPR ☐

MASTERCARD ☐ DISCOVER ☐ VISA ☐ AMEX ☐

Account No.

Expiration Date

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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Month

Year

I hereby authorize the FCC to charge to Credit Card for the service(s) / authorization(s) herein described.

APPROPRIATE SIGNATURE

DATE

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO INSURE PROPER CREDIT

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2010

OFFICE OF
MANAGING DIRECTOR

Ms. Sindy Fuller
Coltrace Communications
Post Office Box 468
Prudenville, MI 48651

Re: WUPS-FM
Fiscal Year 2009 Regulatory Fee
Fee Control No. 1001299088143001

Dear Ms. Fuller:

This is in response to your request filed January 11, 2010 (*Request*), filed on behalf of Coltrace Communications (Coltrace), licensee of Station WUPS-FM, for waiver of the penalty for late payment of the fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$1,881.25 FY 2009 regulatory fee, but not the \$843.75 late payment penalty. For the reasons set forth below, we deny your request.

You ask “[h]ow were we suppose [*sic*] to know when and how much to pay without getting a bill or at least some communication on where to pay and when it was due?”¹

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.² It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.³ You paid the regulatory fee for Station WUPS(FM) on January 29, 2010, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation. The Commission takes great care to inform its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact

¹ *Request* at 1.

² 47 U.S.C. §159(c)(1).

³ See 47 C.F.R. §1.1164; and see *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10311 (2009); *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009); *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009); and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).


sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission timely released several public notices and news releases informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁴

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁵ You have not presented any circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fees for Coltrace.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark Stephens
Chief Financial Officer

⁴ See *supra* note 3.

⁵ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

RECEIVED

JAN 1 12010

Financial Operations
Center

98.5

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100/299088/4300/

December 30, 2009

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554
Attn: Regulatory Fee Waiver/Reduction Request

RE: 10RE002040

RE: 10RE002041

To Whom It May Concern:

This is a written request for the late fees in the amount of \$843.75 to be waived.
I was told by your representative that you did not send out the usual bill for the regulatory fees this year and that I should pay the fees and request a waiver for the late charges.

How were we suppose to know when and how much to pay without getting a bill or at least some communication on where to pay and when it was due?

Please find Check # 3976 in the amount of \$3375.00 and kindly credit our account for the late fees.

Thank You,


Sindy Fuller
Coltrace Communications